



Central Valley Regional Water Quality Control Board

29 May 2013

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NOTICE OF APPLICABILITY (NOA); LIMITED THREAT GENERAL WASTE DISCHARGE REQUIREMENTS ORDER R5-2008-0082 (GENERAL ORDER); STANISLAUS POWER TUNNEL FISH SCREEN PROJECT, TUOLUMNE COUNTY

Our office received a Report of Waste Discharge application on 7 April 2013 from Syblon Reid Construction Inc. (hereinafter Discharger), Spring Gap-Stanislaus Hydroelectric Project (hereinafter Project) for discharge of groundwater to surface water. Based on the application packet and subsequent information submitted by the Discharger, staff has determined that the project meets the required conditions for approval under the General Order for Limited Threat Discharges of Treated/Untreated Groundwater from Cleanup Sites, Wastewater from Superchlorination Projects, and Other Limited Threat Wastewaters to Surface Water (Limited Threat General Order). This project is hereby assigned Limited Threat General Order R5-2008-0082-033 and National Pollutant Discharge Elimination System (NPDES) Permit No. CAG995002. Please reference your Limited Threat General Order number, **R5-2008-0082-033**, in your correspondence and submitted documents.

The Limited Threat General Order is enclosed, and may also be viewed at the following web address:

http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2008-0082-01.pdf. You are urged to familiarize yourself with the contents of the entire document. The Limited Threat General Order prescribes mandatory discharge monitoring and reporting requirements. The project activities shall be operated in accordance with the requirements contained in this NOA and the Limited Threat General Order.

PROJECT DESCRIPTION

The Discharger will be installing a new fish screen and permanent bypass for Federal Energy Regulatory Commission (FERC) re-licensing of the Spring Gap-Stanislaus Hydroelectric Project. The project consists of conducting five geotechnical borings and ten test pit excavations within the riparian area of Middle Fork Stanislaus River to confirm subsurface soil and groundwater characteristics, retrofitting the existing facilities with a new fish screened intake and permanent bypass, and improvements at the existing Sand Bar Diversion Dam. The Discharger will be installing six self-cleaning fish screens by placing approximately 30 cubic yards of concrete in the channel for the construction of the footing/foundation fish screen bypass/spillway structure. The project also consists of constructing a bypass/spillway for regulating in-stream releases and conveying fish, debris, and sediment from the intake to receiving tail water pool, and

constructing a control building for housing electrical/control equipment necessary to monitor, automate, and maintain the fish screen intake.

A total of 17 wells will be installed to dewater the construction site. Submersible pumps will be used to control the groundwater for dewatering. The Discharger is anticipating installing one well a day for 17 days. The dewatering wells will be installed and functional from June 2013 to mid-November 2013. During the initial development process, the Discharger plans to discharge the well development water directly onto the ground. Once the wells are fully developed, the Discharger plans to discharge to surface water and estimates a maximum daily discharge of 2.5 million gallons per day. The groundwater will be discharged to either the Middle Fork Stanislaus River (Outfall 001) or the Stanislaus Power Tunnel (Outfall 002), depending on construction constraints. The dewatered groundwater is expected to meet all requirements of the Limited Threat General Order. However, in the event the groundwater needs treatment (e.g., settling and/or pH control) the groundwater will be diverted to baker tanks or settling pond for treatment. After treatment, the treated water will be reintroduced into the either Outfall 001 or 002 for discharge.

CALIFORNIA TOXIC RULE / STATE IMPLEMENTATION POLICY MONITORING

The Limited Threat General Order incorporates the requirements of the California Toxic Rule (CTR) and the State Water Resources Control Board's (State Water Board), *Policy for Implementation of Toxic Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California*, 2005, also known as the State Implementation Policy (SIP).

Screening levels for CTR constituents are found in Attachment B of the Limited Threat General Order. Review of your effluent water quality data in comparison to the CTR screening values, showed no reasonable potential for the discharge to cause or contribute to an exceedence of the CTR water quality objectives in the Middle Fork Stanislaus River. However, due to the discharge flow rate of 2.3 million gallons daily that is expected to continue for more than four months, this discharge has a limited threat to water quality.

EFFLUENT LIMITATIONS

Effluent limitations are specified in Section V. EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS of the Limited Threat General Order. The following effluent limitations are applicable to this discharge and are contained in Section V. A and B of the Limited Threat General Order:

Effluent Limitations – Applicable to All Limited Threat Discharges (Section V.A)

2. **Acute Whole Effluent Toxicity.** Survival of aquatic organisms in 96-hour bioassays of undiluted waste for all limited threat discharges shall be no less than:
 - a. 70%, minimum for any one bioassay; and
 - b. 90%, median for any three consecutive bioassays.

Effluent Limitations – Limited Threat Dischargers to Specific Waterbodies (Section V.B)

4. The pH of all limited threat discharges within the Sacramento and San Joaquin River Basins (except Goose Creek) shall at all times be within the range of 6.5 and 8.5.

MONITORING AND REPORTING

Monitoring and reporting requirements are contained in Attachment E of the Limited Threat General Order. The Discharger is required to comply with the following monitoring and reporting requirements for the effluent and receiving water as specified in Attachment E of the Limited Threat General Order.

Outfall 001 – Middle Fork Stanislaus River

Outfall 002 – Stanislaus Power Tunnel

Effluent Monitoring – The Discharger shall monitor the effluent as required in Table E-2 for Total Flow, Electrical Conductivity @ 25°C, pH, and Whole Effluent Toxicity. The Discharger shall monitor the limited threat discharge when discharging to surface water as follows:

Parameter	Units	Sample Type	Monitoring Frequency	Required Analytical Test Method
Total Flow	gpd	Estimate	1/Day ⁴	1
Electrical Conductivity @ 25 C°	µmhos/cm	Grab	1/Month ⁵	1
pH	standard units	Grab	1/Day ⁴	1
Acute Toxicity	% survival	Grab	1/Project Term ⁵	2
Chronic Toxicity	--	Grab	1/Project Term ⁵	3

- ¹ Pollutants shall be analyzed using the analytical methods described in 40 CFR Part 136
- ² The acute toxicity testing samples shall be analyzed using EPA-821-R-02-012, Fifth Edition. Temperature, ammonia, total residual chlorine, and pH shall be recorded at the time of sample collection. No pH adjustment may be made unless approved by the Executive Officer.
- ³ The presence of chronic toxicity shall be estimated as specified in Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms, Fourth Edition, EPA/821-R-02-013, October 2002
- ⁴ If discharging to Outfall 001 and 002 simultaneously, monitoring is required at both outfalls.
- ⁵ A representative sample from only one outfall is required.

Receiving Water Monitoring – On a daily basis a log shall be kept of the receiving water conditions and shall be summarized in the self-monitoring report. Attention shall be given to the presence or absence of:

- a. Floating or suspended matter
- b. Discoloration
- c. Bottom deposits
- d. Aquatic life
- e. Visible films, sheens, or coatings
- f. Fungi, slimes, or objectionable growths
- g. Potential nuisance conditions

The Discharger must notify Central Valley Water Board staff 24 hours 1) before the initiation of the discharge, and 2) as soon as noncompliance is anticipated. The Discharger shall also notify Central Valley Water Board staff when the discharge ceases. Monitoring in accordance with the Limited Threat General Order shall begin upon initiation of discharge. Monitoring reports shall be submitted to the Central Valley Water Board on a quarterly basis, and shall begin with the second Quarter 2013 Report, which will include monitoring required as of the date of this NOA. Quarterly monitoring reports must be submitted until your coverage is formally terminated in accordance with the Limited Threat General Order, even if there is no discharge or receiving water flow during the reporting quarter.

The Middle Fork Stanislaus River is not listed under the Clean Water Act 303(d) List of impaired water bodies. Therefore, no additional effluent limitations or monitoring requirements have been added to this Limited Threat General Order.

GENERAL INFORMATION AND REQUIREMENTS

The Central Valley Water Board shall be notified immediately if any effluent limit violation is observed during implementation of the project.

Discharge of material other than what is described in the application is prohibited. The required annual fee (as specified in the annual billing you will receive from the State Water Resources Control Board) shall be submitted until this NOA is officially terminated. You must notify this office in writing when the discharge regulated by the Limited Threat General Order is no longer necessary. If a timely written request is not received, the Discharger will be required to pay additional annual fees as determined by the State Water Resources Control Board.

ENFORCEMENT

Failure to comply with the Limited Threat General Order may result in enforcement actions, which could include civil liability. Effluent limitation violations are subject to a Mandatory Minimum Penalty (MMP) of \$3,000 per violation. In addition, late monitoring reports may be subject to MMPs. When discharges do not occur during a quarterly report monitoring period, the Discharger must still submit a quarterly monitoring report indicating that no discharge occurred to avoid being subject to enforcement actions.

COMMUNICATION

All monitoring reports submittals, notification of the beginning and end of discharge, and questions regarding compliance and enforcement shall be directed to Lucio Orellana of the Central Valley Water Board's NPDES Compliance and Enforcement Unit. Mr. Orellana can be reached at (916) 464-4660 or lorellana@waterboards.ca.gov.

Questions regarding the permitting aspects of your Limited Threat General Order, and written notification for termination of coverage under the Order, shall be directed to Mr. Marshall at (916) 464-4772 or at jdmarshall@waterboards.ca.gov.

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Board to review the action in accordance with California Water Code Section 13320 and California Code of Regulations, Title 23, Sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this NOA, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day.

Copies of the law and regulations applicable to filing petitions may be found on the Internet at: http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

Original Signed by Kenneth D. Landau

Pamela C. Creedon
Executive Officer

Enclosure: General Order R5-2008-0082-01 (Discharger only)

cc: U.S. Environmental Protection Agency, Region IX, San Francisco
Phil Isorena, Division of Water Quality, State Water Board, Sacramento